

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL GARDNER,

Case No. 3:24-cv-00277-MMD-CLB

Plaintiff,

ORDER

v.

NAPHCARE, INC.et al.,

Defendants.

I. DISCUSSION

Plaintiff Paul Gardner filed a civil rights complaint alleging that his rights were violated during his detention at Washoe County Detention Facility ("WCDF"). (ECF No. 1-1). Based on the allegations in the complaint, it appears that Plaintiff has been released from custody, and WCDF's online inmate search does not list Plaintiff as a current detainee. (*Id.* at 8). Plaintiff has paid the \$405 filing fee in full. (ECF No. 1).

Federal courts must conduct a preliminary screening in any case in which an incarcerated person seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). However, it appears that Plaintiff was no longer incarcerated when he filed the complaint. As such, the screening requirements of 28 U.S.C. § 1915A do not apply to this case. See *Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1284 (9th Cir. 2017) (holding "that a court may screen a complaint pursuant to 28 U.S.C. § 1915A only if, at the time the plaintiff files the complaint, he is 'incarcerated or detained'").

Federal courts must also conduct a preliminary screening in any case in which the plaintiff proceeds *in forma pauperis*. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); See *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (holding that this screening procedure applies to all actions filed *in forma pauperis*, whether or not the plaintiff is incarcerated). However, in this case, Plaintiff has paid the filing fee in full.


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1 Because Plaintiff is not currently incarcerated, and he has paid the \$405 filing fee
2 in full, this case is removed from the screening pool and will proceed according to
3 standard litigation practices.

4 **II. CONCLUSION**

5 IT IS THEREFORE ORDERED that the Court will not screen the complaint, and
6 this case will proceed along a standard litigation track.

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8 DATED THIS 8th day of July 2024.

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11 UNITED STATES MAGISTRATE JUDGE
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